

**MINUTES RECAP
MARYSVILLE CITY COUNCIL - REGULAR MEETING
FEBRUARY 5, 2001**

ORIGINAL

000101

CALL TO ORDER/FLAG SALUTE	7:00 p.m.
ROLL CALL	Brennick absent.
MOMENT OF SILENCE for Office William "Don" Arndt	
MINUTES OF PREVIOUS MEETING 1. City Council Meeting, January 22, 2000	Approved as corrected
AUDIENCE PARTICIPATION - Brenda Jensen, Deputy District Director for congressman Rick Larsen	<div style="border: 1px solid black; padding: 2px; display: inline-block;">CORRECTED: SEE 2-12-01 MINUTES s/h Dierck</div>
PRESENTATIONS/PETITIONS/COMMUNICATIONS None.	
CONSENT AGENDA 1. Approval of February 5, 2001 claims in the amount of \$866,956.07; paid by check Nos. 56525 through 56906 with check Nos. 56016, 56146, 56221, 56265, and 56691 void. 2. Adoption of Ordinance No. 2361 regarding the Organizational Structure, Abolishing the Position of City Administrator, Establishing the Position of Chief Administrative Officer, Setting the Salary of the Mayor, Abolishing the City Clerk/Assistant to City Administrator Position, and Retaining the Position of City Clerk, and Establishing a Pay Code for the Position of City Clerk. 3. Ratify Appoints of Jim Brennick and Donna Pedersen to the Marysville Disability Board for LEOFF I Members of the City of Marysville. 4. Approval of Final Plat for Harbor View Village; PA 9705019. 5. Approval of Final Plat for Brighton Park East; PA 9501004. 6. Authorize Mayor to sign Temporary Water Agreement between Snohomish County PUD and City of Marysville for 2001. 7. Authorize Mayor to sign contract with Shields Enterprises for custodial services for city facilities, and authorize Mayor to sign modifications to contracts with Jabco Janitorial and Shields Enterprises if service levels are not maintained. 8. Approval of budget amendment for a Full Time Building Inspector. 9. Authorize Mayor to sign Agreement for Professional Plans Examiner Services; Tim Norvedt.	Approved Approved. Approved. Approved. Approved. Approved. Approved. Approved. Approved.
ACTION ITEMS	
REVIEW BIDS 1. Replacement of Dump Truck #218.	Awarded to Valley Freightliner, Inc.
PUBLIC HEARING None.	
CURRENT BUSINESS 1. Truck parking Retain current policy restricting truck parking in residential areas; revise policy on 47 th Avenue NE to restrict truck parking to 350' south of 2 nd Street NE 2. Management employee salary survey recommendation 3. Contract for Chief Administrative Officer	Approved Adopted. Approved contract with Mary Swenson.

**MINUTES RECAP
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000102

NEW BUSINESS	
1. 128 th Street traffic signal, Supplemental Agreement No. 3, Skillings Connolly, Inc.	Approved.
2. State Avenue 116 th Street to 136 th Street road improvements project, Supplemental Agreement No. 5, Skillings Connolly, Inc.	Approved.
LEGAL MATTERS	
1. Contract for Recovery of Utility Construction Costs; West Coast, Inc.	Approved No. 221
2. Contract for Recovery of Utility Construction Costs; Marysville School District.	Approved No. 222
3. Contract for Recovery of Utility Construction Costs for Water; Belmark Industries, Inc.	Approved No. 223
4. Contract for Recovery of Utility Construction Costs for Sewer; Belmark Industries, Inc.	Approved No. 224
ORDINANCES AND RESOLUTIONS	
1. An Ordinance of the City of Marysville Amending Chapter 3.64 of the Marysville Municipal Code by Adding Sections 3.64.100, 3.64.110, 3.64.120, 3.64.130, 3.64.140, 3.64.150, and 3.64.160 to Establish a Uniform Procedure for Appeal of the Amount of Tax Assessed Due to be Paid or to be Refunded and Assigning Duties to the Hearing Examiner to Conduct the Hearings Required by the Uniform Procedure.	Adopted Ordinance 2362
2. An Ordinance of the City of Marysville Amending MMC 2.50.040 relating to Compensation of Mayor.	Adopted Ordinance 2363
3. An Ordinance of the City of Marysville Amending MMC Chapter 2.34 Relating to the Office of City Administrator, and Providing for the Position of Chief Administrative Officer.	Adopted Ordinance 2364
4. A Resolution of the City of Marysville Amending Resolution No. 1987 Granting a Utility Variance for Dujardin Development Company for Property Located at 108 th Street N.E. and 67 th Avenue N.E., Marysville, Washington.	No action
5. A Resolution of the City of Marysville implementing the Management Salary Survey adopted under Current Business.	Adopted Resolution 2026
INFORMATION ITEMS	
1. Mayor's business: <ul style="list-style-type: none"> - Appoint Tom Grady to Park Board - Reappoint Margaret Natterstad to Park Board - Appoint Gerry Becker as City Clerk 	Confirmed. Confirmed. Confirmed.
2. Staff's business	
3. Call on councilmembers	
EXECUTIVE SESSION	
To discuss a real estate matter	
ADJOURN	
	10:45 p.m.

**MINUTES
MARYSVILLE CITY COUNCIL - REGULAR MEETING
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CALL TO ORDER/FLAG SALUTE

The regular meeting was convened by Mayor Weiser at 7:00 p.m. in the Council Chambers, and the assemblage joined in the flag salute.

A voice roll call was conducted. Attendance was as follows:

Councilmembers Present:	Administrative Staff present:
Dave Weiser, Mayor	Mary Swenson, Acting City Administrator
Mike Leighan, Mayor Pro Tem	Robert Carden, Chief of Police
Jim Brennick	Gloria Hirashima, City Planner
Shirley Bartholomew	Grant Weed, City Attorney
Donna Pedersen	Ken Winckler, Public Works Director
Suzanne Smith	Roger Kennedy, Fleet & Facility Manager
John Soriano	

Mayor Weiser advised that Councilmember Dierck was ill and unable to attend.

MOMENT OF SILENCE

Mayor Weiser called for a moment of silence in memory of Officer William "Don" Ardnt, who died in the line of duty February 5, 1996. At the conclusion, he acknowledged the city's debt of gratitude for Officer Ardnt's service.

MINUTES OF PREVIOUS MEETING

1. City Council Regular Meeting, January 22, 2001.

Councilmembers noted the following corrections:

Page 8, Chief Carden's comments: revise "81st" to "71st."

Recap, Audience participation, correct spelling of Michael Downey.

MOTION by Bartholomew, second by Pedersen, to approve the minutes of the January 22 regular council meeting as corrected. Motion carried (6-0).

AUDIENCE PARTICIPATION

Brenda Jensen, Deputy District Director for Congressman Rick Larsen, Everett, introduced herself and offered her services as a point of contact for the city. She advised that Congressman Larsen had been appointed to the Transportation Infrastructure Committee.

PRESENTATIONS/PETITIONS/COMMUNICATIONS

None.

CONSENT AGENDA

1. Approval of February 5, 2001 claims in the amount of \$866,956.07; paid by check Nos. 56525 through 56906 with check Nos. 56016, 56146, 56221, 56265, and 56691 void.

2. Adoption of Ordinance No. 2361 regarding the Organizational Structure, Abolishing the Position of City Administrator, Establishing the Position of Chief Administrative Officer, Setting the Salary of the Mayor, Abolishing the City Clerk/Assistant to City Administrator Position, and Retaining the Position of City Clerk, and Establishing a Pay Code for the Position of City Clerk.
3. Ratify Appoints of Jim Brennick and Donna Pedersen to the Marysville Disability Board for LEOFF I Members of the City of Marysville.
4. Approval of Final Plat for Harbor View Village; PA 9705019.
5. Approval of Final Plat for Brighton Park East; PA 9501004.
6. Authorize Mayor to sign Temporary Water Agreement between Snohomish County PUD and City of Marysville for 2001.
7. Authorize Mayor to sign contract with Shields Enterprises for custodial services for city facilities, and authorize Mayor to sign modifications to contracts with Jabco Janitorial and Shields Enterprises if service levels are not maintained.
8. Approval of budget amendment for a Full Time Building Inspector.
9. Authorize Mayor to sign Agreement for Professional Plans Examiner Services; Tim Norvedt.

MOTION by Bartholomew, second by Leighan, to approve consent items 1, 3, 6, and 9. Motion carried (6-0).

MOTION by Pedersen, second by Bartholomew, to approve consent item 2. Brennick voted nay; all others voted aye; motion carried (5-1).

Ms. Hirashima advised that the correct number of lots in item 4 was 156 not 155.

MOTION by Bartholomew, second by Pedersen, to approve consent item 4. Smith voted nay; all others voted aye; motion carried (5-1).

Regarding item 5, Councilmember Smith stated the headwaters of Munson Creek run through this plat. There was a detention pond and mud had sloughed into it for several months and the pond was murky. She felt this exposed the city to possible litigation under ESA. She felt the delineators of the plat had done a poor job and should be removed from the city's list of consultants, as a lay person could walk on this property and easily see the problem. Ms. Hirashima responded that this action was for final plat approval and all conditions of the preliminary plat had been met. Applicants did install all erosion control measures required of them, but the problem was the extensive amount of grading and the steepness of the slope.

MOTION by Bartholomew, second by Brennick, to approve consent item 5. Smith voted nay; all others voted aye; motion carried (5-1).

Regarding item 7, Councilmember Leighan asked if staff had reviewed the cost effectiveness of bringing janitorial staff in-house. Mr. Kennedy responded that the analysis done in 2000 showed it as a "wash." He had not updated that analysis. A discussion ensued on the desirability of making that change.

MOTION by Brennick, second by Smith, to approve consent item 7 for a period of one year and directing staff to prepare an analysis of bringing janitorial services in-house. Soriano voted nay; all others voted aye; motion carried (5-1).

Ms. Hirashima gave a brief explanation of the request for a full-time Building Inspector.

MOTION by Bartholomew, second by Leighan, to approve consent item 8. Motion carried (6-0).

CORRECTED: SEE 2-12-01
MINUTES

ACTION ITEMS**Review Bids**

1. Replacement of Dump Truck #218.

Mr. Kennedy gave a brief background presentation.

The Mayor asked if any of the bidders wished to address council; no one spoke.

MOTION by Bartholomew, second by Brennick, to award the bid for replacement of dump truck #218 to Valley Freightliner, Inc. in the amount of \$76,291.51 plus taxes. Motion carried (6-0).

Public Hearing

None.

Current Business

1. Truck Parking.

Mr. Carter gave the staff presentation, reviewing the meetings staff had with those who had spoken on this topic at the January 22nd meeting. After careful review, staff recommended that truck parking be restricted on 47th S.E. to 350' south of the 2nd Street NE intersection. Staff recommended against allowing truck parking in residential areas because of noise from early start-ups, running power cords across the sidewalk, diesel fumes during start-up, maintenance and truck washing which might be performed there, and enforcement issues.

Councilmember Bartholomew noted Mr. Gould had testified that he parked his truck in his yard. She asked if there were restrictions on that. Ms. Hirashima said it was not allowed and there had been some complaints about that use. In order to park there, the truck had to leave the truck route and back up the alley, which was not designed to take that load. A code enforcement officer had followed up.

Councilmember Bartholomew said the city was at risk of putting these truckers out of business because no accommodations were being made. Mr. Carter responded that the accommodation was being allowed to park in the industrial area. Mr. Winckler added that an additional concern was that the city did not know what types of loads were being carried. When council originally discussed this topic, it was suggested that vacant lots be used for truck parking. The city did find some vacant properties but the owners were unwilling to allow truck parking because of concerns about diesel and oil spills that could contaminate their soil. The truck stop was willing to accommodate these trucks on a one-night-at-a-time basis, only, because their spaces were reserved for people who purchased fuel there.

Councilmember Leighan suggested 4th Street was already a truck route with diesel and noise so it might be an acceptable place for truck parking on a permit basis. He noted the concerns about trucks being susceptible to vandalism in the industrial area.

Councilmember Smith supported a permitting process.

Councilmember Pedersen asked if permits would run to the homeowner or the occupant. Both Mr. Secor and Mr. Gould were renting their properties and the landlords would need to be included in the process. She emphasized that the council's job was public safety and making accommodations for truck parking in residential areas was not in the best interest of the public.

Councilmember Soriano asked about reducing vandalism in the industrial area. Chief Carden said it was a regular patrol area now. If a trucker had a high-value load, he could call the Department and request extra checks. Public Works could check the lighting in the area.

Councilmember Brennick said his research indicated that it was the responsibility of the trucking firm to find appropriate parking. A permit process would be a cost to the city, especially in monitoring.

Mayor Weiser noted that truck parking posed three problems: noise, sight distance from cross streets, and the possibility of hydraulic or diesel spills on city streets. These problems would be the same whether the truck driver lived inside or outside the city. There was no basis for differentiation.

Chief Carden asked about the Department's liability in a permitting process; if it permitted a load, did it take on any liability for leaks? Could engine run-up be restricted from 10 p.m. to 6 a.m.? There were many trucks parked on other streets and they would likely want permits also.

The Mayor called for public comments.

Evelyn Brashler, 5921 47th Avenue NE, cited the safety hazards from trucks blocking the sight distance by Madeleine Villa and supported the proposed restriction.

Mike Downey, Madeleine Villa Health Care, stated their business had been in existence for 35 years and they had made a substantial investment in it and the community. Council needed to balance that against the investment made by the two truckers who had testified. He supported the proposed restriction.

Tony Gould, 1703 2nd Street, stated he moved to 2nd Street just so he could park his truck there. He had made every effort to comply with the code, he took good care of his truck and there were no leaks, he did not carry hazardous material, and the truck was empty each night when he came home. Oil changes and maintenance were performed at Kenworth. He explained his truck was easy to vandalize because it had curtain sides. He asserted that if he left from 47th he would be putting out noise and pollution for a longer time before leaving town than he did now. He stated he left at midnight and he had talked with his neighbors and they said they did not hear him and had no concerns about noise. He supported a permitting process.

Mayor Weiser noted complaints had been received about Mr. Gould's parking in his yard and about the truck noise. A permitting process would not alleviate either one of those issues.

There being no one further wishing to speak, the Mayor closed the public comment portion of the topic.

MOTION by Pedersen, second by Bartholomew, to retain the current policy restricting truck parking in residential areas and revise the truck parking policy on 47th Avenue NE to restrict truck parking to 350 feet south of the south side of the 2nd Street NE intersection. Smith and Leighan voted nay; all others voted aye; motion carried (4-2).

2. Management employee salary survey recommendation.

Councilmember Brennick noted the correct start date for Rob Lindsey.

Councilmember Pedersen suggested it would be fairer if everyone received their increases now. As it stood, some employees would receive an increase, then a step increase now while some would have to wait until their anniversary date in November. A lengthy discussion ensued about the advisability of using January 1 as the anniversary date for all employees on this grid. Mr. Noack said the budget impacts had been calculated based on increases being

implemented on actual anniversary dates. He noted that the positions themselves had been reviewed and a determination made about the value of each. He strongly recommended that council implement the recommendation as presented, leaving the anniversary dates as is.

MOTION by Smith, second by Pedersen, to table action for one week to allow time to research the legalities and impacts of using January 1 as an anniversary date for everyone on this grid.

Councilmember Soriano favored retaining the actual anniversary dates, noting that in two years time the seeming unevenness of the implementation would have been smoothed out. Employees had been left hanging throughout council's extended deliberations and it was time to move on to implementation.

MOTION RETRACTED. The maker and seconder of the motion agreed to withdraw it.

MOTION by Bartholomew, second by Brennick, to adopt the recommended pay code classification schedule and monthly salary schedule for management positions as proposed. Motion carried (6-0).

3. Contract for Chief Administrative Officer

MOTION by Pedersen, second by Bartholomew, to approve the contract with Mary Swenson for Chief Administrative Officer and authorize the Mayor to sign the same.

Councilmember Smith stated Ms. Swenson was a very capable person, but the position should have been opened to the public. Mayor Weiser responded that part of his responsibility was to hire people. Council was asked to approve his hiring decisions or not. He would not support a process for this type of position where four names were brought to council for their consideration.

Councilmember Brennick noted that Chief Carden had come to the city from an outside search and spoke to the value of that process.

Councilmember Pedersen emphasized the difference in legislative duties versus administrative duties. The Mayor's job was to hire the people he had confidence in; council's job was legislative, only, in approving or disapproving his recommendations.

VOTE ON MOTION. Brennick and Smith voted nay; all others voted aye; motion carried (4-2).

The Mayor recessed the meeting for a five-minute break, then reconvened.

New Business

1. 128th Street Traffic Signal; Supplemental Agreement No. 3; Skillings Connolly, Inc.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to approve Supplemental Agreement #3. Motion carried (6-0).

2. State Avenue 116th Street to 136th Street Road Improvements Project; Supplemental Agreement No. 5; Skillings Connolly, Inc..

Councilmember Smith asked about the elevated detention structure. Mr. Winckler responded that it would be similar to a lift station and was necessitated by the flatness of the land. A drainage study would be done for the whole area and the new system could replace several smaller ones. Councilmember Smith suggested if the facility were going to be like the Kellogg Marsh detention system shade cloth should be used to keep the water temperature down in the summer so when it was released it wouldn't kill the fry.

The Mayor called for public comments; there were none.

MOTION by Bartholomew, second by Leighan, to approve Supplement No. 5 with Skillings Connelly in the amount of \$42,380.34 for road improvements along State Avenue from 116th Street to 136th Street. Motion carried (6-0).

Legal

1. Contract for Recovery of Utility Construction Costs; West Coast, Inc.

Motion by Pedersen, second by Bartholomew, to approve Utility Recovery Contract No. 221. Motion carried (6-0).

2. Contract for Recovery of Utility Construction Costs; Marysville School District.

Motion by Bartholomew, second by Soriano, to approve Utility Recovery Contract No. 222. Motion carried (6-0).

3. Contract for Recovery of Utility Construction Costs for Water; Belmark Industries, Inc.

Motion by Pedersen, second by Brennick, to approve Utility Recovery Contract No. 223. Motion carried (6-0).

4. Contract for Recovery of Utility Construction Costs for Sewer; Belmark Industries, Inc.

Motion by Brennick, second by Leighan, to approve Utility Recovery Contract No. 224. Motion carried (6-0).

Ordinances & Resolutions

1. An Ordinance of the City of Marysville Amending Chapter 3.64 of the Marysville Municipal Code by Adding Sections 3.64.100, 3.64.110, 3.64.120, 3.64.130, 3.64.140, 3.64.150, and 3.64.160 to Establish a Uniform Procedure for Appeal of the Amount of Tax Assessed Due to be Paid or to be Refunded and Assigning Duties to the Hearing Examiner to Conduct the Hearings Required by the Uniform Procedure.

MOTION by Leighan, second by Brennick, to adopt Ordinance 2362. Motion carried (6-0).

2. An Ordinance of the City of Marysville Amending MMC 2.50.040 relating to Compensation of Mayor.

Mr. Weed pointed out that the cost-of-living formula was linked to the CPI-W, which was preferred over the CPI-U.

MOTION by Bartholomew, second by Leighan, to adopt Ordinance 2363 with the above-noted change. Motion carried (6-0).

3. An Ordinance of the City of Marysville Amending MMC Chapter 2.34 Relating to the Office of City Administrator, and Providing for the Position of Chief Administrative Officer.

MOTION by Bartholomew, second by Leighan, to adopt Ordinance 2364. Motion carried (6-0).

4. A Resolution of the City of Marysville Amending Resolution No. 1987 Granting a Utility Variance for Dujardin Development Company for Property Located at 108th Street N.E. and 67th Avenue N.E., Marysville, Washington.

Mr. Weed believed council had already passed this Resolution and requested tonight's action be delayed to allow time to verify that. Council concurred.

5. A Resolution of the City of Marysville implementing the Management Salary Survey adopted earlier under Current Business.

MOTION by Bartholomew, second by Leighan, to adopt Resolution 2026 implementing the Management Salary Survey. Motion carried (6-0).

Mr. Weed advised the code required that if this action was not done by January 1 a budget amendment was required. He agreed to prepare that for the next meeting. Adopting that document would confirm the same action council had just taken.

DISCUSSION ITEMS

None.

INFORMATION ITEMS

1. Mayor's business

- Park Board appointments.

MOTION by Pedersen, second by Leighan, to confirm the Mayor's appointment of Tom Grady to the Park Board. Motion carried (6-0).

MOTION by Pedersen, second by Soriano, to confirm the Mayor's re-appointment of Margaret Natterstad to the Park Board. Motion carried (6-0).

- Reminded of AWC Legislative conference February 14 and 15. Councilmembers Brennick and Soriano planned to attend.
- Mentioned several dates for the workshop on TMDLs. He noted Mike Ashley was putting a similar program together for the first part of March, which would include a larger area and several jurisdictions. Councilmember Smith suggested the city participate in both workshops, one that was specific to Marysville's watershed and the one covering a larger area. The Mayor agreed to continue efforts to get a workshop scheduled.

- Requested a motion to confirm his appointment of Gerry Becker as city clerk.
MOTION by Bartholomew, second by Brennick, to confirm the Mayor's appointment of Gerry Becker as City Clerk. Motion carried (6-0).

2. Staff's business

Chief Carden:

- On 2/6 at 8 a.m. the Department would host the mock accreditation team for an inspection. This was an important step in preparing for the full inspection in April.
- The Commander Assessment Center would be February 8. Council was welcome to view parts of the testing.

Ms. Swenson:

- The Skateboard Park design meeting would be 2/8. It was advertised as a council meeting because there were three councilmembers on the Building Committee and one on the Park Board.
- Staff was working to schedule the spring retreat.

Ms. Hirashima:

- Had the kick-off for the Lakewood sub-area plan last week. It was well attended, with approximately 150 people there.
- A Planning commission workshop would be held 2/13 on 116th Street Master Plan. No public testimony was planned but the Commission would schedule a future public hearing.

Mr. Winckler:

- The city was able to clean out the asphalt spill without a major dig-up of the system.

3. Call on councilmembers

Soriano:

- Attended the Everett City Council meeting and received information on the arena proposal.

Pedersen:

- Requested staff resume supplying the quarterly reports on personnel and permit activity.

Bartholomew:

- Marysville U was scheduled for 2/22 and 2/23, to be hosted by Public Works.

Brennick:

- Asked about ground breaking for the Skateboard Park. Mayor Weiser said that would come after the design phase.
- Stated he had not voted for Ms. Swenson as Chief Administrative Officer, but congratulated her and thought she would do a good job.

Leighan:

- The AWC dues were significant; had the basis for determining dues changed? Ms. Swenson said she would research and report back.
- A grant application had been made in his name. He presented the Mayor with a check from the Wal-Mart Foundation for \$1,000 for the Save the Tower Fund.

Smith:

- Distributed information of the Neighborhood Fund Award Program.
- Asked what the city was doing to cut energy consumption. Ms. Swenson said staff was working on that and would report at the next council meeting.

ADJOURN INTO EXECUTIVE SESSION

Council adjourned into Executive Session to discuss a real estate matter.

ADJOURN

Council reconvened into regular session, took no further action, and adjourned at 10:45 p.m.

Accepted this 12th day of February, 2001.

Daniel Weiser
Mayor

Gerry Becker
Interim City Clerk

Ann M. Currier
Recording Secretary